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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/786,816	02/24/2004	Yasuhiko Inagaki	MM4706	5080
1109 7590 08/24/2007 ANDERSON, KILL & OLICK, P.C. 1251 AVENUE OF THE AMERICAS NEW YORK, NY 10020-1182			EXAMINER PAUL, DISLER	
			ART UNIT 2615	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/786,816

Applicant(s)

INAGAKI, YASUHIKO

Examiner

Disler Paul

Art Unit

2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 2/24/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2,4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heithoff (US 6,346,854 B1) and further in view of Papopoulos et al. ("US 6,681,020 B1").

Re claim 1, Heithoff disclose of a signal output circuit for controlling output of an input signal (fig.2-3; col.3 line 20-45), comprising: an internal circuit (fig.2-3/circuitry); a digital delay circuit delaying by digital processing a control signal for controlling an operation of the internal circuit (fig.2-3 (147); col.3 line 60-65; fig.5-6); and a switch the input signal in accordance with an output of the digital delay circuit (col.4 line 45-55; fig.2-3(122)). However, Heithoff fail to disclose of the limitation wherein the switch provide muting of the signal. However, Papopoulos et al. disclose of a microphone system wherein the switch provide muting of the input signal (fig.1-2(206)) for the purpose of suppressing electrical transient thus preventing audible clicks. Thus, taking the combined teaching of Heithoff and Papopoulos et al. as a whole, it would have been obvious for one of the ordinary skill in the time of

the invention to have incorporated the switch which provide muting of the input signal for the purpose of suppressing electrical transient thus preventing audible clicks.

Re claim 2, the signal output circuit as claimed in claim 1, wherein the control signal is a shutdown signal shutting down the internal circuit (fig.2-3/(CSD); col.4 line 12-26).

Re claim 4, the signal output circuit as claimed in claim 1, wherein the digital delay circuit comprises a logic timer (fig.5-6; col.8 line 1-20).

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Heithoff (US 6,346,854 B1) and further in view of Papopoulos et al. ("US 6,681,020 B1") and futher in view of official notice.

Re claim 3, the signal output circuit as claimed in claim 2, wherein a period of time for which the control signal is delayed by the digital delay circuit is set (fig.5-6; col.8 line 15-20), But, the combined teaching of Heithoff and Papopoulos et al. as a whole, fail to disclose of the setting of the delay so that the muting of the input signal is canceled after the internal circuit is activated based on the control signal. However, official notice is taken that the concept of setting up a delay so that to have the muting of a signal

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to be cancel after such a predetermined time is commonly known in the art, thus it would have been obvious for one of the ordinary skill in the art at the time of the invention to have setting up a delay so that to have the muting of a signal to be cancelled after a predetermined time for the purpose of allowing signals to be transmitted and sound to be heard by other parties.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Disler Paul whose telephone number is 571-270-1187. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chin Vivian can be reached on 571-272-7848. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DP


VIVIAN CHIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2300

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